THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.4273 of 2007

Date: 06.03. 2007

Between:

Appanna Jagan Mohan Rao S/o A.Lakshadri

….Petitioner

And

Government of Andhra Pradesh, rep. By its Principal Secretary, Department of MinorityWelfare, Secretariat, Hyderabad and others.

….Respondents

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ORDER:

The third respondent is the Wakf at Jaggaiahpet. It possessed some vacant land. The Government of Andhra Pradesh extended grant-in-aid to the Andhra Pradesh State Wakf Board, the second respondent herein, for developing the properties held by Wakfs. The second respondent, in turn, extended the said benefit to the third respondent for constructing a commercial complex. In its order in G.O.Rt.No.21 Minorities Welfare (Wakf-II) Department, dated 19.01.2001, the first respondent herein, directed that the lease of the shops constructed with the grant-in-aid must be on the basis of public auction.

The third respondent is said to have taken steps to conduct auction for allotment of shops on lease basis. Since some resistance was apprehended, the Executive Officer of the Wakf Board, the second respondent herein, addressed a letter dated 05.02.2007 to the Station House Officer, Jaggaiahpet Police Station, to extend police help for the auction proposed to be conducted on 15.02.2007. However, the second respondent issued a notice dated 15.02.2007 i.e., the date of auction, stating that the auction is postponed.

Petitioner states that he has intended to participate in the auction and complains that on account of the reluctance on the part of

respondents 2 and 3 to conduct the auction, the very purpose of extending grant-in-aid is defeated and the mandate contained in Go.Rt.No.21 dated 19.01.2001 is also defeated. He seeks appropriate directions, in this regard.

Heard the learned counsel for the petitioner, learned Government Pleader for Minority and Welfare and the learned Standing Counsel for respondents 2 and 3.

From the material placed before this Court it is evident that the second respondent issued an auction notice dated 22.01.2007, proposing to conduct auction on 03.02.2007. The auction could not take place on that day. Thereafter, it was postponed to 15.02.2007. The petitioner paid a sum of Rs.25,000/- through pay order, with a view to participate in the auction. The second respondent also addressed a letter to the Station House Officer, Jaggaiahpet, to extend police help. Even before the auction commenced, the second respondent notified that the auction is postponed.

This Court does not approve the action of the second respondent in the matter of compliance with the requirements under Go.Rt.No.21 dated 19.01.2001. Once the shopping complex has come into existence with the financial aid of the Government, the allotment thereof ought to have taken place in accordance with the conditions stipulated therein. The auction that was to take place on 03.02.2007 did not take place. Even assuming that there was some disturbance or resistance, postponment of the auction on 15.02.2007 is solely on the basis of a communication issued by the second respondent. On account of such uncertainties, the very purpose of constructing shopping complex would be defeated. It is also possible that vested interests are developed.

For the foregoing reasons, the writ petition is disposed of

directing respondents 2 and 3 to conduct auction, in the matter of allotment of shops in the shopping complex, within a period of two weeks from the date of receipt of a copy of this order, strictly following the prescribed procedure. There shall be no order as to costs.

L.NARASIMHA REDDY, J

Date: 06.03.2007
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